

registered in the name of the proprietor; and

(iii) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the renewal claim may be registered in the name(s) of the following person(s) in descending order of eligibility:

(A) the author of the work, if still living;

(B) the widow, widower, or children of the author, if the author is not living;

(C) the author's executors, if there is a will and neither the author nor any widow, widower, or child of the author is living;

(D) the author's next of kin, in the absence of a will and if neither the author nor any widow, widower, or child of the author is living.

(2) The provisions of paragraph (f)(1) are subject to the following qualification: Notwithstanding the definition of "posthumous work" in paragraph (b) of this section, a renewal claim may be registered in the name of the proprietor of the work, as well as in the name of the appropriate claimant under paragraph (f)(1)(iii), in any case where a contract for exploitation of the work but no copyright assignment in the work has occurred during the author's lifetime. However, registration by the Copyright Office in this case should not be interpreted as evidencing the validity of the claim.

(3) The provisions of paragraphs (f)(1)(iii)(C) and (D) of this section are subject to the following qualifications:

(i) In any case where: (A) the author has left a will which names no executor; (B) the author has left a will which names an executor who cannot or will not serve in that capacity; or (C) the author has left a will which names an executor who has been discharged upon settlement of the estate or removed before the estate has been completely administered, the renewal claim may be registered either in the name of an administrator cum testamento annexo (administrator c.t.a.) or an administrator de bonis non cum testamento annexo (administrator d.b.n.c.t.a.) so appointed by a court of competent jurisdiction;

(ii) In any case described in paragraph (f)(3)(i) of this section, except in the case where the author has left a will without naming an executor and a court appointed administrator c.t.a. or administrator d.b.n.c.t.a. is in existence at the time of renewal registration, the renewal claim also may be registered in the name of the author's next of kin. However, registration by the Copyright Office of the conflicting renewal claims in these cases should not be interpreted

as evidencing the validity of either claim.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1969-5]

State and Federal Administrative Orders Revising Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (EPA) approves the Michigan Air Pollution Control Commission's (Commission) request for a revision to the Michigan State Implementation Plan (SIP). The revision is contained in a Final Order issued by the Commission replacing the federally approved Final Order (APC No. 08-1979) for the Dundee Cement Company.

On August 11, 1980 (45 FR 53137), EPA approved a site-specific revision to Michigan's SIP for Total Suspended Particulates (TSP) for the Dundee Cement Company (Company) in Monroe County, Michigan. On January 14, 1981, the Michigan Department of Natural Resources (MDNR) submitted a new Stipulation for Entry of Consent Order and Final Order, APC No. 16-1980. The new Order replaces the previous order's compliance date of December 31, 1983 with earlier final compliance dates of December 31, 1980 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns. The purpose of today's rulemaking is to announce approval of the new order providing an earlier compliance schedule. This action will be effective on February 1, 1982, unless notice is received within 30 days that someone wishes to submit critical or adverse comments.

DATE: This action is effective February 1, 1982.

ADDRESSES: Copies of the SIP revision available for review at the following places.

U.S. Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604
Environmental Protection Agency,
Public Information Reference Unit, 401

M Street, S.W., Washington, D.C.
20460

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments on this action should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region 5, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6037).

SUPPLEMENTARY INFORMATION: The Dundee Cement plant is located on Day Road, Monroe County, in a designated attainment area for TSP (45 FR 45993). The nearest primary particulate nonattainment areas are approximately 35 km northeast and south of the plant, with the closest secondary particulate nonattainment area being approximately 6 km east.

The new order APC No. 16-1980, replaces APC No. 08-1979, the Previous Stipulation for Entry of Consent Order and Final Order, and changes Paragraphs 4, 6, 8, 9, 10, 11, and 12.

The Commission's Rules R 336.1301 and R 336.1331 set forth the visible particulate matter emission limitations for cement kilns in the State of Michigan. The new order, paragraph 5(h), states that after December 31, 1980, particulate matter emissions from the Company's two cement kilns shall not exceed 0.20 pounds per 1,000 pounds of exhaust gases. Paragraph 5(i) of the order provides that after December 31, 1981 visible emissions (excluding water vapor) from the Company's cement kilns shall not exceed 20 percent opacity except that visible emissions of not more than 40 percent opacity (excluding water vapor) are allowed for not more than three minutes in any 60-minute period, but such emissions shall not be allowed on more than three occasions during any 24-hour period. The revision does not relax the TSP emission limits, or opacity requirements of Michigan's federally approved SIP as established by the requirements of APC 08-1979.

EPA takes action today to approve APC No. 16-1980, as a revision to the Michigan SIP. EPA believes that this action is a noncontroversial rulemaking, since the new order requires earlier compliance with Michigan's TSP mass emission and opacity SIP requirements

than the previous order and provides for attainment and maintenance of the TSP National Ambient Air Quality Standards.

This action will be effective 60 days from the date of this Federal Register notice. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981, (46 FR 8709) that approvals or conditional approvals of SIPs under Sections 110 and 172 of the Clean Air Act and revisions of attainment status designations under Section 107(d) would not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action approves an action submitted pursuant to the provisions of Section 110 of the Act. It imposes no new requirements beyond those which the State has already imposed.

Under Executive Order 12291, (46 FR 13193) EPA must also judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it merely approves a State action for one source. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceeding brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act [42 U.S.C. Section 7410])

Dated: November 19, 1981.

Anne M. Gorsuch,
Administrator.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

Section 52.1170 is amended by adding paragraph (c)(40) as follows:

§ 52.1170 Identification of plan.

(c) ***
(40) Revised compliance schedules were submitted by the State of Michigan, Department of Natural Resources (MDNR) to EPA on January 14, 1981, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 16—1980, adopted November 19, 1980). The revised Order provides an earlier final compliance date of December 31, 1980 for reducing

the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns.

2. In § 52.1175(e), the entry in the table for "Dundee Cement Company" is revised to read as follows:

§ 52.1175 Compliance schedules.

(e) * * *

MICHIGAN

Source	Location	Regulations Involved	Date schedule adopted	Final compliance date
		MONROE COUNTY		
Dundee Cement Co.	Dundee	336.1301 and 336.1331	Nov. 19, 1980	Dec. 31, 1981.

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**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Public Health Service

42 CFR Part 52

Grants to for-Profit Organizations; Implementing Amendments

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This issuance amends 42 CFR Part 52 applicable to grants made for research projects under sections 301 and 356 of the Public Health Service Act to delete the prohibition on eligibility for research awards to entities that are organized or operated for profit. Elsewhere in this issue of the Federal Register is a final rule which, among other things, amends 42 CFR Part 87 to allow for-profit organizations to apply for health research and demonstration grants under section 20 of the Occupational Safety and Health Act and section 501 of the Federal Mine Safety and Health Act.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT:
Mr. Thomas D. Shoe, Director, Division
of Grants and Contracts, Office of
Resource Management, OM, Room 18A-
19, Parklawn Building, 5600 Fishers
Lane, Rockville, Maryland 20857,
Telephone (301-443-6630).

SUPPLEMENTARY INFORMATION: On February 28, 1980 the Public Health Service (PHS) published in the Federal

Register (45 FR 13200) a notice inviting public comment on whether to change the PHS policy which precluded organizations operated for profit from applying for and receiving financial assistance awards (grants and cooperative agreements) for research activities under the following authorities: sections 301, 340, 356, and 404 of the PHS Act (42 U.S.C. 241, 256, 263d, and 285), section 20 of the Occupational Safety and Health Act (29 U.S.C. 669), and section 501 of the Federal Mine Safety and Health Act (30 U.S.C. 951).

After consideration of all comments received, the PHS published a notice in the Federal Register of April 6, 1981 (40 FR 20603) that eligibility would be extended to for-profit organizations, but that this eligibility would not become effective until existing regulations precluding awards to for-profit organizations were amended. This notice also prescribed special conditions under which assistance awards would be made to for-profit organizations. In terms of public reaction to the special conditions, the only concern related to the proposed rights-in-data requirement from the standpoint of the Government's access to data developed under an award. Upon further consideration, the Secretary has determined that for-profit organizations will be subject to the same administrative policies on this issue that are currently applicable to nonprofit institutions—as set forth in 45 CFR Part 74, Administration of Grants.